

VIRGINIA :

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

JOYCE RICHTER
7915 Jones Branch Drive,
McLean, VA 22102

Plaintiff,

v.

Case No.: _____

VIRGINIA CVS PHARMACY, L.L.C.
1 CVS Dr,
Woonsocket, RI, 02895

Serve: C T Corporation System
4701 Cox Rd Ste 285,
Glen Allen, VA, 23060

Defendant

AMENDED COMPLAINT

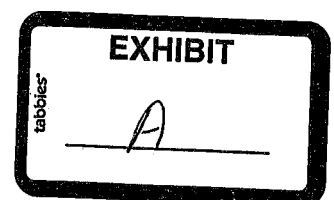
COMES NOW, Plaintiff Joyce Richter (hereinafter "Plaintiff"), by and through her undersigned counsel, hereby files this Complaint for negligence against Defendant Virginia CVS Pharmacy, L.L.C. (hereinafter "Defendant CVS"). In support thereof, Plaintiff alleges as follows:

JURISDICTION & VENUE

1. Jurisdiction and venue are proper as all incidents giving rise to this cause of action occurred in the Commonwealth of Virginia and the City of Alexandria is a forum convenient to the parties and witnesses, where justice can be administered without prejudice or delay.

LAW OFFICES
KOONZ MCKENNEY
JOHNSON & DEPAOLIS LLP
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FAIRFAX, VIRGINIA 22030

(703) 218-4410



PARTIES

2. Plaintiff is an adult resident of Virginia living at the above captioned address.

3. Defendant CVS is, upon knowledge, information, and belief, a Virginia Limited Liability Corporation, licensed and registered to conduct business in the Commonwealth of Virginia, with its principal place of business located at the above listed address.

4. Upon knowledge, information, and belief, Defendant CVS owns and operates a chain of pharmacy stores including the CVS Pharmacy Store #1398, located at 6436 Springfield Plaza, Springfield, VA.

FACTS

5. Plaintiff incorporates by reference the above paragraphs of the Complaint as if fully alleged herein.

6. At all times relevant to this claim, Plaintiff was a business invitee on the premises of the CVS Pharmacy Store #1398, located at 6436 Springfield Plaza, Springfield, VA.

7. On or about November 4, 2019, Plaintiff arrived at the CVS Store and picked up a cart from the vestibule before walking through the store to do her shopping. After paying, she attempted to push the cart out of the store to her vehicle in the parking lot, when a crude antitheft device collided with the top of the door jam, abruptly caused the cart to stop, and threw off Ms. Richter's momentum causing her to violently fall to the floor.

8. There were no signs to warn Ms. Richter that she was not permitted to take the cart out of store to the parking lot, nor did any store employees indicate to Ms. Richter as she was paying that she should not take the cart out of the store.

9. The antitheft device, which was essentially a long PVC pole that had been affixed to the base of the cart and extended to the ceiling, was installed on the store's shopping carts by Defendant CVS through its agents, employees and/or servants.

10. As a result of her fall, Plaintiff suffered significant injuries including but not limited to a left femur fracture for which she received medical treatment and from which she continues to experience pain, suffering, and functional disability.

11. At all times relevant to this claim, Plaintiff was acting reasonably, and free and clear of any and all contributory negligence.

COUNT I
(Negligence – Defendant CVS)

12. Plaintiff incorporates by reference all other paragraphs of the Complaint as if fully alleged herein and further alleges that Defendant CVS, as owner and/or operator of the CVS Pharmacy Store #1398, located at 6436 Springfield Plaza, Springfield, VA, and its agents, employees and/or servants, had a duty to ensure that dangerous conditions, such as the antitheft device, did not exist.

13. Defendant CVS had notice of the dangerous condition, as the antitheft device was attached to all of the carts at CVS Store #1398 and, upon information knowledge and belief, it had been affixed to the carts by Defendant CVS's agents, employees and/or servants.

14. Defendant CVS knew, or in the exercise of ordinary care should have known, that the antitheft device posed a danger to guests and other invitees of CVS Store #1398 and thus CVS created a hazardous and dangerous condition.

15. Defendant CVS, through its agents, employees and/or servants, breached its duty when, in a negligent, reckless, and careless manner, it failed to remedy the dangerous condition and/or failed to warn Plaintiff of the dangerous condition for which it had actual and/or constructive notice of at the time of the incident.

16. Plaintiff's injuries, including, but not limited to, severe and permanent physical injury and emotional distress, were a direct and proximate result of Defendant CVS's breach of duty.

17. As a further direct and proximate result of these breaches of duty, Plaintiff has suffered and will continue to suffer monetary loss, has incurred and will continue to incur medical expenses, as well as tremendous pain and suffering, and loss of enjoyment of life.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully demands judgment against the Defendant Virginia CVS Pharmacy, L.L.C., in the amount of Six Hundred Thousand Dollars (\$600,000.00) plus interest and costs, along with any other relief the Court deems just and proper.

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Respectfully submitted,

KOONZ MCKENNEY JOHNSON &
DEPAOLIS L.L.P.

By: _____
Justin M. Beall Esq. #46182
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10300 Eaton Place, Suite 200
Fairfax, VA 22030
(703) 218-4410
(703) 218-4411 (fax)
Jbeall@koonz.com
Attorney for Plaintiff

JURY DEMAND

Plaintiff respectfully requests a jury trial as to all issues alleged herein.

Justin M. Beall

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CLERK OF COURTS
CITY OF ALEXANDRIA

2020 DEC 18 PM 2:51

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BY _____
DEPUTY CLERK

Case No.: CL20002779

COMPLAINT

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PARTIES

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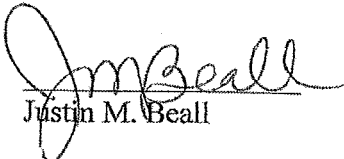
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